

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

\* Case No. 15-CR-00252 (PKC)

\*

\* Brooklyn, New York  
\* December 17, 2015

v.

\*

\*

RAFAEL CALLEJAS,

\*

\*

Defendant.

\*

\*

\* \* \* \* \*

TRANSCRIPT OF CRIMINAL CAUSE FOR DETENTION HEARING  
BEFORE THE HONORABLE ROBERT M. LEVY  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

AMANDA HECTOR, ESQ.

Asst. United States Attorney  
United States Attorney's Office  
271 Cadman Plaza  
Brooklyn, NY 11201

For the Defendant:

MANUEL J. RETURETA, ESQ.

Retureta & Wassem, PLLC  
1614 Twentieth Street NW  
Washington, DC 20009

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.

**Fiore Reporting and Transcription Service, Inc.  
4 Research Drive, Suite 402  
Shelton, Connecticut 06484 (203)929-9992**

1 (Proceedings commenced at 2:15 p.m.)

2 THE CLERK: Criminal cause for detention hearing,  
3 case no. 15-CR-252, United States vs. Rafael Callejas.

4 Counsel, your name for the record.

5 MS. HECTOR: Amanda Hector for the government.

6 Good afternoon, Your Honor. Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 MR. RETURETA: Good afternoon, Your Honor. Manuel  
9 Retureta on behalf of Mr. Callejas, who's present.

10 THE COURT: Good afternoon.

11 THE CLERK: Also present is Spanish interpreter,  
12 Estrellita Plested, previously sworn. I mean -- sorry. Rosa  
13 Olivera, previously sworn. Sorry.

14 THE COURT: Good afternoon.

15 MR. RETURETA: Your Honor, we have reached an  
16 agreement on bond that we'd like to present to the court and  
17 ask the court to grant that application.

18 THE COURT: All right. I'll read the conditions  
19 and if there's anything that's missing, let me know.

20 Before we do that, could you swear the suretors,  
21 too, please.

22 (The suretors are sworn.)

23 THE CLERK: Please say your name for the record and  
24 speak loud. It's being recorded. Your name?

25 MS. WILSON: Cecelia Callejas Wilson.

1                   THE CLERK: Thank you.

2                   MS. KINTA: Marta Kinta (ph).

3                   THE CLERK: Thank you.

4                   MR. FLORES: (Indiscernible) Flores.

5                   MR. CASTILLO: (Indiscernible) Castillo.

6                   INDISCERNIBLE: (Indiscernible)

7                   THE CLERK: Thank you.

8                   THE COURT: All right. Thank you. I wanted you to  
9                  be up here when the bond is read so that you could understand  
10                 what the conditions are.

11                  Those of you who need an interpreter -- how many?  
12                  Just this gentleman? Okay. So if there's anything that I  
13                  say that you don't understand, just raise your hand and I'll  
14                  explain it.

15                  So this is a proposed bond. It is in the amount of  
16                  \$4 million. It has a number of conditions. There's no money  
17                  deposited in the court. Is that correct?

18                  MS. HECTOR: There is money deposited --

19                  THE COURT: Oh, there is. Okay.

20                  MS. HECTOR: -- in the court.

21                  If Your Honor -- if --

22                  THE COURT: Yeah, tell me --

23                  MS. HECTOR: I'm happy to do --

24                  THE COURT: Go ahead.

25                  MS. HECTOR: -- whichever is easiest but I can --

1       perhaps we need to -- I might have -- I need to enter that  
2       amount on the actual bond so I can --

3                   THE COURT: I think you do, yes.

4                   MS. HECTOR: I can do that. Sorry. I think I was  
5       waiting for a final tally.

6                   (Pause.)

7                   THE CLERK: The total bond is \$4 million, right?

8                   MR. RETURETA: 4 million.

9                   THE CLERK: And what's being deposited with the  
10       clerk?

11                  MR. RETURETA: 1.15.

12                  THE CLERK: One point --

13                  MR. RETURETA: 1,150,000.

14                  MS. HECTOR: So 910 today?

15                  MR. RETURETA: 910 today.

16                  MS. HECTOR: And what's the amount for --

17                  MR. RETURETA: 240 at close of business tomorrow.

18                  MS. HECTOR: 240.

19                  THE CLERK: So combined it's going to be 240.

20                  MS. HECTOR: It will be 1.148.

21                  THE CLERK: 1.148.

22                  THE COURT: Thank you.

23                  All right. So let me start over.

24                  This bond is in the amount of \$4 million. \$1.148  
25       million will be deposited with the court. There are some

1 travel restrictions and other restrictions here. I'll go  
2 through them. If there are any questions, let me know.

3 Travel restriction is described in attachment A.

4 There are five pages to this bond. There's the bond, typed  
5 bond, standard bond form, plus an additional signature page,  
6 which is page 2. There's an attachment A, which is page 3.

7 Attachment B and C, 4 and 5.

8 So in attachment A, which is page 3, in case you're  
9 following, Mr. Callejas, you are subject to electronic  
10 monitoring and home detention at a location approved by the  
11 FBI and the Office of Pretrial Services.

12 Until further amendment of this bond, the residents  
13 must be within 20 miles of this court at 225 Cadman Plaza  
14 East.

15 You may leave your residence only for attorney  
16 visits, court appearances, medical appointments and religious  
17 services, upon approval by Pretrial Services and also limited  
18 to the Eastern and Southern Districts of New York. And  
19 you'll get a map from Pretrial Services. So you'll get a map  
20 that tells you exactly where you can go and where you can't  
21 go. The cost of electronic monitoring will be paid by you.

22 And have you gone over the cost with him?

23 MR. RETURETA: I have not.

24 (Counsel and defendant confer.)

25 THE COURT: Okay. All right. Is there questions

1 about that travel restriction?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: All right. And so if you need to go  
4 outside of that area, you need permission from the court,  
5 otherwise it's a violation of the bond.

6 There is a provision that you are to avoid all  
7 contact with the following persons or entities that is  
8 explained in detail in attachment A, which is page 3.

9 Paragraph 2 days that the defendant will not directly or  
10 indirectly associate or have contact with his co-defendants  
11 or any individual employed by or associated with, including  
12 but not limited through consulting agreements the following  
13 entities.

14 Number one, any sports marketing company identified  
15 in the indictment in this case, including, without  
16 limitation, Media World and Traffic Group, or any subsidiary  
17 or affiliates of the foregoing companies.

18 Two, CONCACAF and any affiliated or constituent  
19 entity, including, but not limited to Fenafuth, F-E-N-A-F-U-  
20 T-H. Number three, Conmebol, C-O-N-M-E-B-O-L, and any  
21 affiliated or constituent entity and for FIFA and any  
22 affiliated or constituent entity.

23 Do you understand?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Now there's a requirement that you

1           surrender all of your passports to the FBI. And I understand  
2           that's already been done.

3           THE DEFENDANT: Yes, Your Honor

4           THE COURT: And the government agrees?

5           MS. HECTOR: Yes, Your Honor.

6           THE COURT: And you're not to obtain another  
7           passport or international travel document while the bond's in  
8           effect.

9           Condition no. 5 has to do with supervision by the  
10          Pretrial Services agency and the FBI. There are special  
11          conditions on the reverse, which I assume is these conditions  
12          here on the (indiscernible) page.

13          Have you gone over these with your client?

14          MR. RETURETA: I've gone over generally the  
15          compliance that he needs to do with Pretrial Services,  
16          contact and court's order.

17          THE COURT: Okay. Do I need to go through it in  
18          any more detail?

19          MR. RETURETA: I don't believe so, Your Honor.

20          THE COURT: Okay. So do you understand that the  
21          Pretrial Services agency and the FBI will be monitoring and  
22          supervising you while on release?

23          THE DEFENDANT: Yes, Your Honor.

24          THE COURT: You're subject to random visits at home  
25          and if you work, at your place of work by Pretrial and the

1           FBI. That means that they don't have to advise you before  
2           they're coming.

3                 You have to report as directed to Pretrial Services  
4           and the FBI. They'll tell you how often, whether it's in  
5           person or by phone and what days to do it.

6                 THE DEFENDANT: Yes, Your Honor.

7                 THE COURT: Do you understand?

8                 There are other conditions. Attachment A --  
9           attachment B has to do with assets to secure the bond.

10                So \$910,000 of the total \$1.148 million have been  
11           posted already today. Is that correct?

12                MR. RETURETA: Will be paid into the clerk's  
13           office.

14                THE COURT: Will be paid.

15                MR. RETURETA: Yes.

16                THE COURT: All right. And tomorrow there'll be an  
17           additional \$248,000. Is that correct?

18                MR. RETURETA: Correct, Your Honor.

19                THE COURT: Okay.

20                Also there is a residence. There's some real  
21           estate that's being used to secure the bond. The first is a  
22           property at 1660, that 1660, East 1220 Morthea, M-O-R-T-H-E-A  
23           --

24                MR. RETURETA: That is Mr. Hargraves' property.

25                There is an error in the listing of the property. It should

1           be 220 West Street, if I'm correct, Mr. Hargraves.

2           THE COURT: Mr. Hargraves, I think I heard your  
3           voice on the line. Did I?

4           MR. HARGRAVES: You did, sir.

5           THE COURT: Hi.

6           MR. HARGRAVES: It's 1220 North 1660 East.

7           THE COURT: Okay. I'm going to pass this down so  
8           that counsel can look at it and amend it.

9           So Mr. Hargraves, have you been able to hear  
10          everything that's been said so far?

11          MR. HARGRAVES: Yes, Your Honor.

12          THE COURT: All right. And were you able to swear  
13          or affirm the oath when it was administered earlier?

14          MR. HARGRAVES: Yes, Your Honor. I will swear  
15          (indiscernible).

16          THE COURT: Okay. And do you have any questions  
17          about anything that's been said so far?

18          MR. HARGRAVES: So far no, Your Honor.

19          THE COURT: Okay. So anyway, there are two  
20          properties that are being secured. And you're aware of what  
21          those properties are. Is that correct?

22          THE DEFENDANT: Yes, Your Honor.

23          MR. RETURETA: Yes, Your Honor.

24          THE COURT: Okay. And the government and the  
25          defendant have agreed as to who owns them and who has title

1 and that it's --

2 MS. HECTOR: Yes, Your Honor. And the equity value,  
3 which I can sort of put on the record as well.

4 THE COURT: If you think you need to.

5 MS. HECTOR: Okay.

6 THE COURT: Otherwise, you can proffer it.

7 MS. HECTOR: Well, I'll just sort of note for the  
8 record that with respect to this bond in general the \$4  
9 million bond, one of the reasons, or some of the reasons why  
10 the government is comfortable consenting to this bond, among  
11 others, are as Your Honor knows the defendant voluntarily  
12 surrendered earlier this week and was arraigned before Your  
13 Honor.

14 The total value of the bond, \$4 million, is in  
15 excess of the government's current understanding of the  
16 defendant's net worth, which is in assets located in  
17 Honduras.

18 The \$4 million between the security of the cash  
19 that's being posted today and by the close of business  
20 tomorrow, as well as the equity in these two properties, as  
21 well as the other assets that are listed on attachment B  
22 together is a little shy of \$2 million securing that \$4  
23 million bond.

24 And with respect to the properties, we'd ask that  
25 the defendant has until the 6th to do confessions of judgment

1       on those properties and has until January 18th with respect  
2       to the other assets listed on attachment B to perfect the  
3       security with respect to those assets.

4                  THE COURT: All right.

5                  MR. RETURETA: That's correct.

6                  THE COURT: And do you understand everything that's  
7       on attachment B?

8                  THE DEFENDANT: Yes, Your Honor.

9                  THE COURT: Okay.

10                 MS. HECTOR: Also, if I just may for the record  
11       note that with respect to the six suretors that are present  
12       here in court today, as well as Mr. Hargraves, who's on the  
13       phone, many of these suretors have traveled from Honduras,  
14       from Georgia and from Texas to be here today to sign the bond  
15       and among them there are two United States citizens and two  
16       permanent residents of the United States.

17                 THE COURT: Okay. Thank you all for coming today.

18                 I know it wasn't easy.

19                 MR. RETURETA: One's from Florida, also.

20                 MS. HECTOR: Oh, and I'm sorry. From Florida as  
21       well.

22                 THE COURT: Okay. All right.

23                 So I think we've gone through all of the important  
24       conditions on the bond at this point. Is there anything that  
25       I've left out?

1 MS. HECTOR: No, Your Honor. I believe that's it.

2 MR. RETURETA: No, Your Honor.

3 THE COURT: All right. In addition, you can't  
4 commit any crimes while you're on release. That's obviously  
5 a violation. And if you don't come back to court when you're  
6 supposed to, you could be charged with bail jumping. That's  
7 a separate crime.

8 The suretors are here guaranteeing his appearance  
9 in court. Is that correct?

10 MS. HECTOR: Yes, Your Honor.

11 THE COURT: All right. And you're guaranteeing all  
12 the conditions on the bond. So if you -- so do you all  
13 understand what your role is here today? I'm speaking to the  
14 suretors?

15 THE SURETORS: (In unison) Yes.

16 THE COURT: Okay. So if Mr. Callejas doesn't come  
17 back to court when he's supposed to, the government could  
18 come back to court, ask that the bond be revoked, asked that  
19 he be placed in detention and then ask that each one of you  
20 who signed the bond be found what's called jointly and  
21 severally liable on the bond, which means that each one of  
22 you is responsible for the full face amount of the bond,  
23 which is \$4 million. And the government could divide it up  
24 any way it wishes to.

25 So one of you could potentially be liable for the

1 whole amount or a penny.

2 Do you all understand?

3 THE SURETORS: (In unison) Yes. Yes.

4 THE COURT: Does any one of you have any questions?

5 THE SURETORS: No, Your Honor.

6 THE COURT: Are you each signing the bond  
7 voluntarily?

8 THE SURETORS: (In unison) Yes.

9 THE COURT: All right. So Mr. Hargraves, I'm going  
10 to ask you the same questions, because I can't see you  
11 nodding on the phone.

12 Do you understand all --

13 MR. HARGRAVES: Yes, I do, Your Honor.

14 THE COURT: Okay. And are you signing this bond  
15 voluntarily?

16 MR. HARGRAVES: Yes, I am.

17 THE COURT: Is there anything else that should be  
18 put on the record before the suretors sign?

19 MS. HECTOR: Just that the government's  
20 understanding is that Mr. Hargraves will be signing the bond  
21 in district court in Utah this afternoon.

22 And upon that signature the government is  
23 consenting to Mr. Callejas' release and the rest of the  
24 conditions as far as the cash that's being posted by the  
25 close of business tomorrow and the security on the various

1 assets that secure the bond will be done at the dates that  
2 we've agreed to on the record.

3 THE COURT: All right. So are you requesting that  
4 the release be continued upon receipt of the signed bond --

5 MS. HECTOR: Of Mr. Hargrave's signature? Yes.

6 THE COURT: -- from Mr. Hargrave.

7 MS. HECTOR: Yes.

8 MR. HARGRAVES: Your Honor, will I be provided with  
9 the six pages?

10 THE COURT: Yes.

11 MR. HARGRAVES: Or the five pages.

12 THE COURT: Sure. We'll fax them over to you right  
13 away.

14 MR. RETURETA: Mr. Hargraves is currently outside  
15 the federal district court in Salt Lake City.

16 THE COURT: Okay.

17 MR. RETURETA: As soon as we're concluded, he'll be  
18 stepping in and then we can transmit the documents for his  
19 signature.

20 THE COURT: Okay. All right. The government will  
21 hand this down and we'll fax it over.

22 THE CLERK: Is that everyone's signature? Yes?

23 Have your client sign in the lower right hand  
24 corner.

25 Is there anything else counsel?

1 MR. RETURETA: That's it, Your Honor.

2 MS. HECTOR: No, Your Honor.

3 THE CLERK: Thank you.

4 MR. RETURETA: Thank you very much.

5 THE COURT: All right. Good luck.

6 THE DEFENDANT: Thank you.

7 (Proceedings concluded at 2:32 p.m.)

8 I, CHRISTINE FIORE, court-approved transcriber and  
9 certified electronic reporter and transcriber, certify that  
10 the foregoing is a correct transcript from the official  
11 electronic sound recording of the proceedings in the above-  
12 entitled matter.

13  
14 

15 \_\_\_\_\_ June 8, 2020

16 Christine Fiore, CERT

17

18

19

20

21

22

23

24

25